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Technical assistance and capacity-building

Australia,* Italy,* South Africa,† Turkey,* United Kingdom of Great Britain and Northern Ireland, United States of America:* draft resolution

33/... Assistance to Somalia in the field of human rights

The Human Rights Council,

Guided by the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights,

Acknowledging that peace and security, development and human rights are the pillars of the United Nations system,

Reaffirming its respect for the sovereignty, territorial integrity, political independence and unity of Somalia,

Reaffirming also its previous resolutions on Somalia,

Recalling its resolutions 5/1 and 5/2 of 18 June 2007,

Recognizing the continued urgent need to step up the scale, coherence and quality of all capacity development in and technical assistance to Somalia in the field of human rights, and in that regard welcoming the participation of States in the universal periodic review of Somalia,

Recognizing also the role that women have played and will continue to play in community mobilization and peacebuilding in Somali society, and the importance of promoting their economic empowerment and participation in political and public decision-making processes, including within Parliament and all levels of government, in line with Security Council resolution 1325 (2000) of 31 October 2000 on women, peace and security,

1. *Welcomes* the commitment of the Federal Government of Somalia to improve human rights in Somalia, and in that regard also welcomes:

* State not a member of the Human Rights Council.
† On behalf of the States Members of the United Nations that are members of the Group of African States.

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(d) The passing and ratification of the bill to establish a national human rights commission;

(e) The ratification by the Federal Government of the Convention on the Rights of the Child;

(f) The progress made in adopting a bill on sexual offences;

(g) The agreement and publication of a national plan of action on eradicating sexual violence in conflict;

(h) The ongoing efforts of the Federal Government of Somalia to produce the State's first national development plan in 30 years, and the commitments made therein to protect human rights and to promote gender equality and women's empowerment;

(i) The promotion of a post-transition human rights road map, which has included consultations with civil society and emerging regional administrations, and in this regard encourages support from the international community;

(j) The work undertaken by the Ministry of Women and Human Rights Development as the lead federal government body to advance the human rights agenda in Somalia, such as the gender strategy, working alongside the Ministry of Justice and Religious Affairs and other departments;

(k) The national security policy, as agreed by the National Leadership Forum, as a further important step on security sector reform, towards the Federal Government of Somalia being able to provide security to the people of Somalia;

(l) The continuing institutionalization of the promotion and protection of human rights in Somalia, including efforts to incorporate protection for civilians, internally displaced persons and returning refugees, and to promote human rights in the reform plans of the security and justice sectors;

2. *Also welcomes* the continued commitment of the Federal Government of Somalia to the universal periodic review process, in this regard welcomes its acceptance of recommendations made during the review, including to ratify the Convention on the Elimination of All Forms of Discrimination against Women and the African Charter on Human and Peoples' Rights, to establish a national human rights institution in accordance with Paris Principles, to extend a standing invitation to special procedure mandate holders to conduct investigations, to endeavour to protect civilians from attack and to prevent the recruitment and use of child soldiers;

3. *Expresses concern* at reports of violations and abuses of human rights in Somalia, and underscores the need to end the culture of impunity, uphold human rights for all and hold accountable all those who commit any such related crimes;

4. *Also expresses concern* at the abuses and violations perpetrated against girls and women, including sexual and gender-based violence, child early and forced marriage and female genital mutilation, and abuses and violations committed against children, including the unlawful recruitment and use of child soldiers, killing and maiming, rape and other sexual and gender-based violence, and abductions, and emphasizes the need for accountability and justice for all such violations and abuses;

5. *Further expresses concern* that internally displaced persons, which may include women, children and persons belonging to minorities, continue to bear the brunt of ongoing violence, abuses and violations, the most marginalized and vulnerable persons being the most at risk;

6. *Expresses concern at* the attacks against and harassment of human rights defenders, including journalists, in Somalia, and urges the authorities to continue efforts to

prohibit, prevent and protect against all unlawful kidnapping, killings, attacks, acts of intimidation and harassment of journalists, in order to promote respect for the freedom of expression and opinion and to end the culture of impunity, holding accountable those who commit any such related crimes;

7. *Strongly condemns* the serious and systematic violations and abuses perpetrated against members of the civilian population, including women, children, journalists, parliamentarians and human rights defenders, by Al-Shabaab and its affiliates, and calls for the immediate cessation of these violations and abuses and for perpetrators to be held accountable;

8. *Recognizes* the importance and effectiveness of international assistance to Somalia, and stresses that the primary responsibility for promoting and protecting human rights in Somalia rests with the Federal Government of Somalia;

9. *Underscores* the importance of coordinated international assistance to Somalia in the field of human rights, and in that respect welcomes:

(*a*) The continued work towards meeting the goals established in the Somali Compact, recognizing that a new framework will need to be reached between the Federal Government of Somalia and the international community to provide a coordinated approach to development, security and political issues with effect from the start of 2017, following the expiry of current Somali Compact at the end of 2016;

(*b*) The sustained and vital commitment of the African Union Mission in Somalia, recognizing the loss and sacrifice of personnel killed in action, and the Intergovernmental Authority on Development;

10. *Encourages* international donors to provide timely and tangible assistance to and to enhance cooperation with the Government of Somalia at the federal, regional State and subnational levels;

11. *Recognizes* the efforts of those States hosting Somali refugees, urges all host States to meet their obligations under international law relating to refugees, and urges the international community to continue to provide financial support to enable host States to meet the humanitarian needs of Somali refugees in the region, to support the reintegration of those returning to Somalia when conditions are suitable, and to support internally displaced persons;

12. *Calls upon* the Federal Government of Somalia, with the support of the international community:

(*a*) To prepare for and hold a credible, transparent and inclusive election process in 2016 leading to the establishment of the Upper House, the election of members of the House of the People, and the subsequent election of a President and a Government in accordance with the agreed framework and electoral model;

(*b*) To uphold its commitment to a quota of at least 30 per cent in the participation of women as Members of Parliament, in both houses;

(*c*) To continue the important work related to constitutional review after the 2016 electoral process, as part of the process towards "one person one vote" elections in 2020, and urges all parties to work together to achieve this while recognizing the importance of respect for the rule of law and the role of a constitution in protecting the rights of citizens and promoting national cohesion;

(*d*) To promote reconciliation and dialogue at the federal, regional State and subnational levels, recognizing the importance of the valuable assistance provided by the Intergovernmental Authority on Development;

(c) To continue work to establish independent, accountable and efficient judicial institutions, and to seek tangible and timely assistance from, inter alia, regional bodies, to reform the Somali judicial system and to enhance the capacity of Somali judges, with a particular focus on the promotion and protection of human rights and combating corruption;

(d) To initiate timely, effective, impartial and transparent investigations into killings of journalists and to prosecute all those responsible for unlawful acts, in a manner in line with provisions in the media law and consistent with other applicable domestic and international legal obligations, to create security and space for a free press to operate, and to take measures to protect and support civil society and human rights defenders, in particular in view of the forthcoming election process;

(e) To bring an end, in a clear and accessible manner, to the prevailing culture of impunity and to impose a zero-tolerance policy on sexual and gender-based violence, particularly sexual violence in conflict, ensuring that individuals found to be responsible for and complicit in sexual violence, exploitation and abuse, regardless of their status or rank, are held to account;

(f) To ensure the equitable participation of women, youth, members of minority groups and other marginalized groups in national political processes;

(g) To implement effectively the State's obligations under the Convention on the Elimination of All Forms of Discrimination against Women;

(h) To publish a plan to demonstrate how the media law will be implemented in accordance with its international human rights obligations and commitments;

(i) To harmonize national, regional, subregional and subnational political policies and legal frameworks with applicable human rights obligations and other commitments, including those referenced in the provisional Constitution and the migration and human rights agenda at the federal, regional State and subnational levels;

(j) To ensure the accountability of State institutions and security forces and those serving within them, and in so doing to increase awareness of and training on human rights among the Somali security forces at the national and subnational levels, including on the protection of civilians from, inter alia, sexual and gender-based violence, and on prevention of extrajudicial killings, with the timely and tangible support of the international community, to ensure that comprehensive vetting procedures are put in place for personnel in the security forces and in security institutions, and to issue clear and public orders that the Somali national armed forces, the Somali national police force and allied militias should comply with applicable national and international law;

(m) To work with regional leaders towards comprehensive security sector reform;

(n) To treat disengaged combatants, including children under 18 years of age, in accordance with applicable obligations under domestic and international law, in particular international human rights law and international humanitarian law, as applicable;

(o) To continue measures to implement the plans of action to end the unlawful recruitment and use of children in the Somalia national armed forces;

(p) To work with specialist agencies, such as the United Nations Children's Fund, to ensure that former child soldiers under 18 years of age are rehabilitated in accordance with international standards;

(q) To ensure the well-being and protection of all internally displaced persons, including from sexual and gender-based violence, and also from exploitation and abuse committed by State or international military or civilian personnel; to seek durable solutions for all internally displaced persons, including the most vulnerable; to ensure a fully

consultative process and best practice for relocations, and safe, sanitary new sites that have basic services, to ensure unfettered access for humanitarian organizations to recognize the acute vulnerability of internally displaced persons, to facilitate full humanitarian access to people in need, wherever they are in Somalia, and to safeguard the neutrality, impartiality and independence of humanitarian actors from political, economic, and military interference, while paying particular attention to the rights, freedoms and needs of members of ethnic minorities requiring humanitarian assistance;

13. *Urges* the Federal Government of Somalia to continue to engage constructively in the universal periodic review process, including through follow-up to commitments made during the review in 2018;

14. *Strongly commends* the engagement of the Independent Expert on the situation of human rights in Somalia;

15. *Stresses* the importance of technical assistance in building credible and impartial domestic capacity to undertake monitoring, investigations and public reporting to identify human rights concerns and inform appropriate remedies by duty-bearers;

16. *Also stresses* the important role of joint monitoring and reporting on the situation of human rights in Somalia by domestic and international experts and the Federal Government of Somalia, and the vital role that those monitoring human rights can play in evaluating and ensuring the success of technical assistance projects, which in turn need to be for the benefit of all Somalis;

17. *Underlines* the importance of the fulfilment by the United Nations Assistance Mission in Somalia of its mandate throughout Somalia and the need to ensure synergy with the work of the Office of the United Nations High Commissioner for Human Rights;

18. *Decides* to renew the mandate of the Independent Expert on the situation of human rights in Somalia, under agenda item 10, for a period of one year;

19. *Requests* the Independent Expert to continue his engagement with the Government of Somalia at the national and subnational levels, civil society and the United Nations Assistance Mission in Somalia with a view to assisting Somalia in the implementation of:

(a) Its domestic and international human rights obligations;

(b) Human Rights Council resolutions, other human rights instruments and associated routine reporting;

(c) The recommendations accepted during the universal periodic review;

(d) Other human rights commitments, including the post-transition human rights road map and particularly the process to implement the establishment of an independent human rights commission, and to uphold human rights during the election process and the political transition to a new Government;

20. *Also requests* the Independent Expert to report to the Human Rights Council at its thirty-sixth session;

21. *Requests* the Office of the High Commissioner and other relevant United Nations agencies to provide the Independent Expert with all the human, technical and financial assistance necessary to carry out his mandate;

22. *Decides* to remain actively seized of the matter.